

## Message Text

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43

ACTION COA-02

INFO OCT-01 ARA-11 EUR-25 ADP-00 COME-00 INT-08 EB-11 CG-00

CIAE-00 INR-10 NSAE-00 RSC-01 L-03 H-02 EPA-04 CEQ-02

SCI-06 DODE-00 SS-15 NSC-10 PRS-01 IO-12 RSR-01 /125 W  
----- 026388

R 101528 Z MAY 73

FM AMEMBASSY THE HAGUE

TO SECSTATE WASHDC 1277

INFO AMCONSUL CURACAO

AMEMBASSY COPENHAGEN

AMEMBASSY MEXICO

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MEXICO AND COPENHAGEN FOR REGIONAL FISHERIES ATTACHES

E. O. 11652: N/ A

TAGS: EFIS, XP, CS, NL

SUBJECT: TUNABOAT ATLANTIS

REFERENCE: A) SAN JOSE 1583 B) STATE 87590

1. SUBSTANCE OF REFTELS CONVEYED TO MAYS OF MFA WHO WAS IN PROCESS OF DRAFTING NOTE TO GONA REQUESTING FULL REPORT ON FACTS AND ON GONA LEGISLATION WHICH MIGHT BE INVOKED AGAINST OWNERS OF ATLANTIS.

2. MEYS ASSURED US OF GON DESIRE TO COOPERATE IN ANY PROGRAM OF WILDLIFE CONSERVATION BUT POINTED OUT THAT WHILE GON HAS RESPONSIBILITY FOR FOREIGN RELATIONS OF GONA IT HAS LITTLE POWER TO FORCE GONA TO TAKE NECESSARY SUPPORTING MEASURES. IT WAS MEYS IMPRESSION THAT GONA DOES NOT NOW HAVE LEGAL AUTHORITY TO CONTROL ACTIVITIES OF VESSELS OPERATING UNDER ITS FLAG AND THAT IT WILL TAKE SOME MONTHS TO GO THROUGH NECESSARY LEGISLATIVE STEPS TO OBTAIN THIS AUTHORITY EVEN IF GONA IS DISPOSED  
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TO DO SO.

3. MEYS INDICATED THAT MFA IS SOMEWHAT NON- PLUSSED AND DISTURBED OVER PRESSURES BUILDING UP IN U. S. IN CONNECTION WITH ATLANTIS CASE. THIS HAS PRECIPITATED SOME RESEARCH INTO SAFEGUARDS AVAILABLE TO GON IN EVENT OF PUNITIVE ACTION BY USG OR OTHER SIGNATORIES TO IATTC CONVENTION. MFA LEGAL DIVISION HAS UNEARTHED 1958 UN CONVENTION ON FISHING AND CONSERVATION OF LIVING RESOURCES OF THE HIGH SEAS, ARTICLE 5 OF WHICH ENJOINS SIGNATORIES ( WHICH INCLUDE BOTH THE U. S. AND NETHERLANDS) TO ABSTAIN FROM PUNITIVE ACTIONS IN CASES OF THIS KIND FOR PERIOD OF SEVEN MONTHS TO PERMIT APPROPRIATE ACTION BY HOST GOVERNMENT. MEYS MADE IT CLEAR THAT GON WOULD INVOKE THIS CONVENTION IF US ACTION APPEARS IMMINENT BUT IT EARNESTLY HOPES THAT THE DISPUTE WILL NOT GO THAT FAR. MEYS ADDED THAT MFA WILL REGARD OUR REPRESENTATIONS AS CONSTITUTING US NOTIFICATION TO GON OF APPARENT VIOLATION OF CONSERVATION MEASURES BY GONA FLAG VESSEL. THUS SEVEN MONTHS GRACE PERIOD WOULD BEGIN AS OF MAY 10, 1973.

4. WE TRUST DEPARTMENT WILL KEEP US INFORMED OF ANY FURTHER DEVELOPMENTS ALONG LINES DESCRIBED IN PARA 2 OF REFTEL B AND WILL CONFIRM POTENTIAL APPLICABILITY OF UN CONVENTION OF 1958.  
MIDDENDORF

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NMAFVVZCZ

\*\*\* Current Handling Restrictions \*\*\* n/a

\*\*\* Current Classification \*\*\* LIMITED OFFICIAL USE

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**Disposition Date:** 28 MAY 2004  
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**TAGS:** EFIS, CS, NL, XP  
**To:** COA  
COPENHAGEN  
CURACAO  
MEXICO  
SECSTATE WASHDC  
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